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| ATTENTION: | *Examiner:* _____<br>*Art Unit:* 2627 _____ | |

| FROM: | | TELEPHONE NO.: |
|---|---|---|
| Michael J. Ure, Reg. No. 33,089 | | (408) 474 - 9077 |
| RE: | *Serial No.:* 10/511,211 _____ | |
| | *Attorney Docket No.:* GB020047US _____ | |

TRANSMISSION INCLUDES: 12 Pages (including cover sheet)

Appeal Brief – 11 pages

**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

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on 3/17/07 2007 by _____
Vilimaina Naga

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IN THE UNTED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

| | |
|---|---|
| First-Named Inventor: JBIRA | Atty Docket No.: **GB020047** |
| Application No.: 10/511,211 Conf.: | Art Unit: 2627 |
| Date Filed: 10/13/2004 | Examiner: |
| Customer No.: 65913 | |

Title: MULTITRACK OPTICAL DISC READER

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TRANSMITTAL OF**
**BRIEF IN SUPPORT OF AN APPEAL**

Sir:

Enclosed is the original of an Appeal Brief in the above-identified patent application.

Please charge the any and all required fees to Deposit Account No. 50-4019.

Date: MAR-16-2007

Respectfully submitted,
NXP B.V.

By _____
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(Date) 3/16/07 (Signature) _____

(Name) Willmaina Naga

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## Before the Board of Patent Appeals and Interferences

**In re the Application**

| | | |
|---|---|---|
| **Inventor** | : | **Jbira** |
| **Application No.** | : | **10/511,211** |
| **Filed** | : | **10/13/2004** |
| **For** | : | **MULTITRACK OPTICAL DISC READER** |

## APPEAL BRIEF

**On Appeal from Group Art Unit 2627**

**Date: 03/06/2007**

**By: Michael Ure**
**Attorney for Applicant**
**Registration No. 33,089**

## TABLE OF CONTENTS



## TABLE OF CASES

NONE

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## I. REAL PARTY IN INTEREST

The real party in interest is NXP B.V., the successor in interest to the present assignee of record of the present application, Koninklijke Philips Electronics N.V., and not the party named in the above caption.

## II. RELATED APPEALS AND INTERFERENCES

With regard to identifying by number and filing date all other appeals or interferences known to Appellant which will directly effect or be directly affected by or have a bearing on the Board's decision in this appeal, Appellant is not aware of any such appeals or interferences.

## III. STATUS OF CLAIMS

Claims 1-5 have been canceled. Claim 7 has been allowed and claim 6 stands finally rejected. Claim 6 forms the subject matter of the present appeal.

## IV. STATUS OF AMENDMENTS

All amendments have been entered. No amendment after final rejection has been submitted.

## V. SUMMARY of the CLAIMED SUBJECT MATTER

The present invention relates to a multitrack optical disc reader, and particularly to a data buffering arrangement for the same. A pickup of the multitrack optical disc reader allows for up to N tracks to be read simultaneously. However, under some

conditions, fewer than N tracks may be read at a time. A flexible buffering arrangement is provided such that buffer utilization remains high even when the number of tracks read at a time is less than a maximum number.

As recited in independent claim 6, when less than the maximum number of tracks are used, only FIFO buffers for data streams for those tracks used are defined, wherein each of the FIFO buffers defined has a size equal to the total FIFO memory that can be defined in the memory bank divided by the number of tracks being used.

The following analysis of independent claim 6 is presented for convenience:

| Element | Figure(s) | Paragraph(s) and/or page(s) |
|---|---|---|
| 6. A multitrack optical disc reader comprising: | Figure 2 | |
| a multitrack optical pick up for reading data from multiple tracks of an optical disc and outputting data from each track in respective data streams; and | 11, Figure 2 | Page 3, lines 1-16 |
| a memory bank in which first-in-first-out (FIFO) buffers for temporarily storing data from the respective data streams may be dynamically defined, | 18, Figure 2 | Page 3, lines 1-16 |
| wherein the reader can use less than the maximum number of tracks such that when less than the maximum number of tracks are used, only FIFO buffers for data streams for those tracks used are defined, and wherein each of the FIFO buffers defined has a size equal to the total FIFO | Figure 3 | Page 3, lines 17-26 |

| | | |
|---|---|---|
| memory that can be defined in the memory bank divided by the number of tracks being used. | | |

## VI. GROUNDS of REJECTION to be REVIEWED ON APPEAL

The issue in the present matter is whether:

1. claim 6 is unpatentable over Dahan in view of IBM TDB.

## VII. ARGUMENT

### I. Rejection of Claim 6 as unpatentable over Dahan in view of IBM TDB

The rejection states in part:

> [D]ahan et al. disclose a multitrack optical disc reader comprising a multitrack optical pick up for reading data from ultiple tracks of an optical disc and outputting the data from each track in respective data streams in which first-in-first-out buffers for temporarily storing data from the respective data streams may be dynamically defined; which is able to use less than the maximum number of tracks that can read by the pickup; and when less than the maximum possible number of tracks that can be read by the pickup are being used, only FIFO buffers for data streams for those tracks used are defined (citations omitted).

Applicant respectfully disagrees.

Dahan in fact contains no disclosure concerning using less than the maximum number of tracks that can read by the pickup and only defining FIFO buffers for data streams for those tracks used. The Office Action cites Fig. 4B, step 473 in this regard. However, what this step in fact pertains to is the *linking of rotations*. That is, the buffer memory in Dahan is organized into rotations, each rotation having memory space identifying storage locations of the data blocks for each one of the plurality of channels for at least one revolution of the optical disk. Because of the way the pickup is servoed, channel 7 re-reads the same track that was read previously by channel 1 (col. 6, lines 50-65). In step 473, the duplicate blocks are removed. Whether or not the duplicate track is "used," clearly Dahan teaches storing the duplicate track in the buffer.

Hence, it may be seen that Dahan does not teach or suggest the invention as claimed.

In view of the above, applicant submits that all of the above referred-to claims are patentable over the teachings of the cited references.

## VIII. CONCLUSION

In view of the above analysis, it is respectfully submitted that the referenced teachings, whether taken individually or in combination, fail to anticipate or render obvious the subject matter of any of the present claims. Therefore, reversal of all outstanding grounds of rejection is respectfully solicited.

Date: 03/06/2007

By: Michael Ure
Attorney for Applicant
Registration No. 33,089

## IX. APPENDIX: THE CLAIMS ON APPEAL

6. A multitrack optical disc reader comprising:

a multitrack optical pick up for reading data from multiple tracks of an optical disc and outputting data from each track in respective data streams; and

a memory bank in which first-in-first-out (FIFO) buffers for temporarily storing data from the respective data streams may be dynamically defined,

wherein the reader can use less than the maximum number of tracks such that when less than the maximum number of tracks are used, only FIFO buffers for data streams for those tracks used are defined, and wherein each of the FIFO buffers defined has a size equal to the total FIFO memory that can be defined in the memory bank divided by the number of tracks being used.

## X. APPENDIX: RELATED PROCEEDINGS

**NONE**

## XI. APPENDIX: EVIDENCE

**NONE**